

Application Number 09/731,385
Amendment dated July 2, 2004
Reply to Office Action of May 6, 2004

REMARKS

The applicants thank Examiner Nadav for his helpful comments during the telephone interview on May 27, 2004.

In the Office Action mailed on May 6, 2004, claims 1-11, 14 and 15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1 is amended to address this rejection. Specifically, claim 1 is amended at line 3 by inserting two commas to clarify the meaning of the claim. As agreed to during the telephone interview, this amendment to the claim overcomes the rejection under 35 U.S.C. § 112, first paragraph. Claims 2-7, 14 and 15 depend from claim 1. Claims 8-11 are canceled. It is believed that the amendment to the claims overcomes the rejection, and, consequently, reconsideration of the rejection of the claims under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claim 1-8, 10 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nguyen (U.S. Patent No. 6,472,261). Claims 9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nguyen. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nguyen in view of Huang (U.S. Patent No. 5,899,722). In view of the amendments to the claims and the following remarks, the rejections are respectfully traversed, and reconsideration of the rejections is requested.

The claims are amended to clarify the distinctions between the applicants' claimed first insulation layer and the thermal oxide layer 22 of the Nguyen patent. Specifically, the claims now recite that the first insulation layer has a single aligned planar top surface throughout the distance between at least one of the conductive patterns and the second conductive layer. As agreed to during the telephone interview, this amendment to the claims serves to patentably distinguish the Nguyen patent. Accordingly, reconsideration of the rejections of claims 1-8, 10 and 15 under 35 U.S.C. § 102(e) and of claims 9 and 11 under 35 U.S.C. § 103(a) based on Nguyen is respectfully requested.

The Huang patent also fails to teach or suggest the details of the applicants' claimed first

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insulation layer, now set forth in the amended claims. Accordingly, there is no combination of Nguyen and Huang which would result in providing such teaching or suggestion. Therefore, it is believed that the claims are allowable over the combination of Nguyen and Huang, and reconsideration of the rejection of claim 14 under 35 U.S.C. § 103(a) based on Nguyen and Huang is respectfully requested.

The original claims 8-11 have been canceled to avoid any issues under 35 U.S.C. § 112, first paragraph, that may have arisen due to the present amendments to claim 1.

New claim 21 is original claim 8 rewritten in independent form with modifications to ensure compliance with 35 U.S.C. § 112, first paragraph. New claim 22 is analogous to original dependent claim 9. New dependent claims 23-28 are analogous to original dependent claims 2-7. New claims 29 and 30 are analogous to original claims 14 and 15. These new dependent claims depend from new independent claim 21.

New claim 31 is original dependent claim 10 rewritten in independent form with modifications to ensure compliance under 35 U.S.C. § 112, first paragraph. New dependent claim 32 is analogous to original dependent claim 11. New dependent claims 33-38 are analogous to dependent claims 2-7. New dependent claims 39 and 40 are analogous to original claims 14 and 15. These new dependent claims depend from new independent claim 31. It is believed that all of the new claims are allowable over the prior art of record in the application.

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It is submitted that all claims are in condition for allowance, and such allowance is respectfully requested. If prosecution of the application can be expedited by a telephone conference, the Examiner is invited to call the undersigned at the number given below.

Respectfully submitted,

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